

REGULATORY ASSIGNMENT CONTROL SHEET

LOG CONTROL NUMBER: 25 **ANALYST**
ASSIGNED: AXT
ACTION: AN

**TITLE: NOTICE INVITING APPLICATIONS FOR THE
HOMELESS EDUCATION DISASTER ASSISTANCE
PROGRAM**

RECEIVED: 11/18/2008

DATE ASSIGNED: 11/18/2008

DATE DUE: 11/20/2008

ANALYST SIGNATURE: see attached

COMPLETION DATE: 11/18/08

FINAL APPROVAL: Angela King

DATE: 11-19-08

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DEPARTMENT OF EDUCATION

(CFDA No.84.383A)

Homeless Education Disaster Assistance Program

AGENCY: Office of Elementary and Secondary Education,
Department of Education.

ACTION: Notice inviting applications.

SUMMARY: The Homeless Education Disaster Assistance program is a new, one-year program that provides assistance to local educational agencies (LEAs) or consortia of LEAs located within the same State whose enrollment of homeless students has increased as a result of a natural disaster that occurred in calendar year 2008 (2008). (Except where specifically noted, the term LEAs as used in this notice refers to a single LEA or a consortium of LEAs located in the same State.) Under this program, the Department will award funds directly to eligible LEAs based on demonstrated need. In determining an LEA's need for assistance, the Department will consider the number of students enrolled in the LEA in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008. To be eligible for funding under this program, an LEA must have at least fifty such homeless students.

The LEA must use program funds to support activities that are allowable under 723(d) of the McKinney-Vento Homeless Assistance Act. The funds may be used to assist any homeless individual, of school or pre-school age in the district, and not just those students who became homeless as a result of a natural disaster. The LEA may use the funds to support future activities, as well as to reimburse itself for costs incurred in carrying out activities during 2008 or 2009, designed to help homeless students enroll in, attend, or succeed in school. The funds will remain available for obligation by an LEA through September 30, 2010.

APPLICATION DEADLINE: [INSERT DATE 30 days after date of publication in the FEDERAL REGISTER], 4:30:00 p.m. Eastern time.

AWARD INFORMATION

Eligible Applicants: Under this program, eligible applicants are LEAs that had a total of at least fifty enrolled students in one or more grades, kindergarten through grade twelve, who became homeless as a result of a natural disaster that occurred during 2008. Due to the limited amount of funding available, only LEAs or consortia that meet this minimum threshold are eligible for a grant.

Required submission of eligibility information: As part of its application, each LEA must submit data, for which it has verifiable and auditable documentation, on the number of enrolled students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred during 2008. If a group of LEAs applies for these funds as a consortium, the LEA members of the group shall designate one member to submit data on the number of enrolled students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred during 2008 on behalf of all the LEAs in the consortium. An LEA may already have enrolled a student who became homeless due to a natural disaster or it may receive students made homeless by a natural disaster who are identified upon enrollment.

Determination of award amount: Congress has appropriated \$15 million for this program. The Department will award these funds, based on demonstrated need, to eligible LEAs that submit applications that meet the requirements of this notice and of the application package. Each LEA will receive a proportionate share of funds based on the number of students enrolled in the LEA in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008. Specifically, the

Department will calculate each LEA's award amount based on the quotient obtained by dividing the number of its enrolled students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008 by the total number of such students for all LEAs submitting an application.

For consortia of LEAs that apply for funds, the Department shall treat each consortium as a single LEA when determining grant award amounts. The designated LEA that submits an application to the Department on behalf of the consortium members shall distribute any funds received by the consortium to each member LEA based on its proportionate share of the total number of children made homeless as a result of a natural disaster in 2008 for the consortium as a whole or shall distribute such funds based on an alternative need-based method agreed to in writing by all member LEAs.

Definition of natural disaster: For purposes of this program, a natural disaster is one for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. Those disasters are listed on the web site of the Federal Emergency Management Agency (FEMA) at <http://www.fema.gov/news/disasters.fema?year=2008>.

APPLICABLE REGULATIONS: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 76, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99.

WAIVER OF PROPOSED RULEMAKING: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed program requirements. Section 437(d)(2) of the General Education Provisions Act (20 U.S.C. 1232(d)(2)), however, allows the Secretary of Education to exempt from rulemaking requirements regulations where the Secretary determines that conducting rulemaking would cause extreme hardship to the intended beneficiaries of the program or programs affected by the regulations.

The Secretary has determined that conducting rulemaking for the Homeless Education Disaster Assistance program, including rulemaking on an LEA's eligibility for assistance and the process for allocating funds, would cause extreme hardship to the beneficiaries of the program. LEAs throughout the country have needs and expenses related to educating students who became homeless as a result of natural disasters that occurred in 2008. It is essential, therefore, that the Department award funding under the program at the earliest possible date. Furthermore, the

legislation authorizing the program recognizes the need for timely awards and directs the Department to make grants to LEAs on the basis of demonstrated need within 120 days of the date of enactment of that legislation. LEAs need sufficient time to collect and submit data that demonstrate their need for assistance. In order to avoid harm and hardship to applicants under the program, and to the students they are serving, the Secretary is waiving rulemaking for this program.

APPLICATION AND SUBMISSION INFORMATION

To receive funding, an eligible LEA must submit an application electronically by the deadline in this notice. Submission of an electronic application involves the use of the Department's Electronic Grant Application System (e-Application) available through the Department's e-GRANTS system.

You can access the electronic application for the Homeless Education Disaster Assistance program at:

<http://e-grants.ed.gov>

Once you access this site, you will receive specific instructions regarding the information to include in your application.

The regular hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and

6:00 a.m. Thursday until midnight, Saturday (Washington, DC time). Please note that the system is unavailable on Sundays, Federal holidays, and after 7:00 p.m. on Wednesdays for maintenance (Washington, DC time).

FOR FURTHER INFORMATION CONTACT: Mr. John McLaughlin, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3C130, Washington, DC 20202. Telephone: (202) 260-0826 or via e-mail at john.mclaughlin@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed above.

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www.ed.gov/news/fedregister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office

(GPO), toll-free, at 1-888-293-6498; or in the Washington DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official version of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

<http://www.gpoaccess.gov/nara/index.html>

PROGRAM AUTHORITY: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 at Div. B, Title I, Chapter 7, Pub. L. 110-329, 122 Stat. 3595 (Sept. 30, 2008).

Dated:

Kerri L. Briggs
Assistant Secretary for
Elementary and Secondary
Education